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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,728	03/30/2001	Bradley J. Wessman	20000389.CIP	7258
36029	7590	06/28/2004	EXAMINER	
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P.O. BOX 802432			ART UNIT	PAPER NUMBER
DALLAS, TX 75380			3762	21

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/822,728

Applicant(s)

BRADLEY J. WESSMAN, ET AL.

Examiner

Frances P. Oropeza

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/17/04 (Amendment and RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                         |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. The Applicant's submission filed on 2/17/04 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. Claims 3-5, 7-11, and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winkler (US 5417208) in view of Berkowitz et al (US 5712462).

Winkler teaches an electrode lead with one or more electrodes located at the distal end of the lead. The electrodes are attached using adhesive (col. 1 @ 39-44), a less desirable approach, or using a weld in a welding region, defined by a groove (figures 4A-4D - 47) cut in the insulation for the purpose of providing a simple yet reliable electrical connection. As to the welded connection, Winkler discloses an electrode-carrying catheter with a seamless insulator (20), a conductor (45), and multiple electrodes (30a) comprising band electrodes/ connectors (53) and conductive pads (51) (figures 1, 2, 4A-4D and 6; col. 5 @ 58-64). The copper ribbon conductive pad (51) is joined by welding (col. 3 @ 20-26), and is located within a welding region, the location on the catheter where the electrode is electrically connected to the conductor

by welding. The band electrode/ connector (53) is also welded (col. 8 @ 8-9), electrically connecting the conductive pad (51), the band (53) and the conductor (45).

As discussed in the previous paragraph of this action, Winkler discloses the claimed invention except for attaching the electrode band using two welds.

Berkowitz et al. teach securing of critical electrical medical components using two welds to secure a component for the purpose of ensuring an extremely reliable and reproducible weld joint. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used using two welds to secure the electrode in sensitive high stress area of the lead in the Winkler system in order to avoid implantable lead failure and the need to expose the patient to the pain, expense, and peril of surgery to replace the broken implanted lead (col. 1 @ 12-31; col. 4 @ 12-18). It is noted the double weld is used in potentially high stress areas of the lead where the electrode and lead are interconnected, hence in claim 18 the second band is read to be in a low stress area of the lead not require the extra security provided by the second weld.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winkler (US 5417208) in view of Berkowitz et al (US 5712462) and further in view of Adams et al. (US 5350404). As discussed in paragraph 2 of this action, modified Winkler discloses the claimed invention except for the electrodes being connected to different conductors.

Adams et al. teach cardiac monitoring and stimulation using a lead with the electrodes being connected to different conductors for the purpose of providing flexibility in cardiac sensing and stimulating. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used the configuration of the electrodes being connected to

Art Unit: 3762

different conductors in the modified Winkler system in order to enable the stimulation energy to be directed and focused to minimize the energy generally delivered to the heart, hence avoiding the induction of ventricular fibrillation (col. 5 @ 41-61; col. 15 @ 9-20).

***Statutory Basis***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frances P. Oropeza whose telephone number is (703) 605-4355. The examiner can normally be reached Monday through Friday from 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes, can be reached on (703) 308-5181.

The telephone number for facsimiles for regular communication and After Final communications is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0858.

Frances P. Oropeza  
Patent Examiner  
Art Unit 3762

JPO  
6/17/04

*Angela D. Sykes*

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